

Message Text

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ACTION EA-14

INFO OCT-01 EUR-25 ADP-00 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 PM-09 H-02 INR-10 L-03 NSC-10

PA-03 RSC-01 PRS-01 SS-15 IO-12 DPW-01 AID-20 RSR-01

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FM AMEMBASSY SAIGON

TO USDEL JEC PARIS IMMEDIATE

SECSTATE WASHDC 1818

C O N F I D E N T I A L SAIGON 8758

E. O. 11652 GDS

TAGS: PINT, PFOR, VS

SUBJECT: TPJMC - PRIVILEGES AND IMMUNITIES

REF: SAIGON 8692

EMBASSY OFFERS FOLLOWING COMMENTS ON RVN DRAFT ON PRIVILEGES AND IMMUNITIES CONTAINED REFTEL. FOLLOWING PARAGRAPHS ARE KEYED TO POINTS IN ORIGINAL FPJMC DOCUMENT.

1. NO SIGNIFICANT CHANGE. RVN DRAFT OMITTS PHRASE " IN ITS AREA OF CONTROL" WHEN REFERRING TO OBLIGATIONS OF EACH PARTY.

2. RVN DRAFT OMITTS PHRASE, " IN ITS AREA OF CONTROL", AS ABOVE. OF MORE SIGNIFICANCE IS ADDITION IN RVN DRAFT OF TERM " OFFICIAL MEMBERS". RVNDEL TO THE TWO PARTY JOINT MILITARY COMMISSION HAS OFFERED FOLLOWING EXPLANATION OF THIS CHANGE: " IN DIPLOMATIC FIELD, IMMUNITIES AND PRIVILEGES DEPEND ON GRADES, SUCH AS AMBASSADOR, CONSUL, AND SUPPORT PERSONNEL. EACH DELEGATION TO THE TPJMC CONSISTS OF 1500 MEMBERS OF ALL GRADES AND A GREAT NUMBER OF THEM ARE SUPPORTING PERSONNEL. FOR THAT REASON THE PROBLEM OF THE " OFFICIAL MEMBERS" MUST BE POSED. BY DOING SO, THE IMMUNITIES AND PRIVILEGES WILL BE CORRECTLY APPLIED AND ENJOYED, AND

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ABUSES WILL BE PREVENTED." OTHER SIGNIFICANT CHANGES, ON WHICH RVN HAS NOT COMMENTED, INCLUDE DELETION OF THE PHRASE " EACH PARTY.. SHALL ENSURE PROTECTION FOR MEMBERS" AND SUBSTITUTION FOR IT OF THE SUBSTANTIALLY WEAKER FORMULATION " EACH PARTY SHALL TAKE MEASURES TO HELP OFFICIAL MEMBERS... AT THE DISCHARGE OF THEIR TASKS." FINALLY, THE RVN DRAFT CONTAINS THE FOLLOWING NEW LANGUAGE: " WITHIN THE LIMIT OF PRIVILEGES STIPULATED BY INTERNATIONAL AGREEMENTS EACH PARTY HAS SIGNED IN. IN CASE OF SUCH AGREEMENTS HAVE BEEN SINGED, INTERNATIONAL PRACTICE SHOULD BE OBSERVED, ON A MUTUAL BASIS, PROVIDED THAT IT COMPLIES WITH THE CURRENT NATIONAL LAWS AND DOES NOT UNDERMINE THE COMMON SECURITY." POINT 2 IN ITS ENTIRETY APPARENTLY INTENDS SHARPLY TO LIMIT THE PROTECTION TO BE ACCORDED THE PRG AND TO MAKE SUCH PROTECTION CONTINGENT UPON COMPLIANCE WITH GVN LAW.

3. NO SIGNIFICANT CHANGE.

4. NO SIGNIFICANT CHANGE.

5. THIS POINT IN THE ORIGINAL FPJMC DOCUMENT HAS BEEN DELETED FROM THE NEW RVN DRAFT; PARTS OF OLD POINT 5 HAVE BEEN INCORPORATED INTO OTHER PARTS OF THE RVN DRAFT. THE DVNDEL HAS OFFERED THE FOLLOWING EXPLANATION: " AT THE PRESENT TIME, EMBASSIES AND CONSULATES IN THE RVN DO NOT RECOGNIZE THE NLF. FOR THIS REASON, RELATIONS BETWEEN THESE EMBASSIES AND CONSULATES AND THE NLF DO NOT EXIST DE FACTO. IF THEY DO EXIST, IT MEANS THAT THESE EMBASSIES HAVE PUBLICLY OPPOSED AND FOREIGN POLICIES AND INTERFERED WITH THE INTERNAL AFFAIRS OF THE RVN. PREVIOUSLY, POINT 5 HAS BEEN APPLIED TO THE FPJMC BECAUSE OF THE PRESENCE OF THE US AND NORTH VIETNAMESE DELEGATIONS IN THE RVN AT THAT TIME. THOSE TWO DELEGATIONS REPRESENT TWO GOVERNMENTS HAVING DIPLOMATIC RELATIONS WITH A NUMBER OF NATIONS HAVING EMBASSIES IN SAIGON. THE LOCAL AUTHORITIES DO NOT HAVE ANYTHING TO DO WITH THE NLF BECAUSE OF THE EXISTANCE OF THE CENTRAL JMC AND THE LOCAL JMT' S. THE PROBLEM OF SUPPLIES AND TRANSPORTATIO
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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PFOR, VS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: willialc
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973SAIGON08758
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GDS
Errors: n/a
Film Number: n/a
From: SAIGON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730549/aaaajmtv.tel
Line Count: 96
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 SAIGON 8692
Review Action: RELEASED, APPROVED
Review Authority: willialc
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 17 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17-Aug-2001 by izenbei0>; APPROVED <09-Oct-2001 by willialc>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 980224
Subject: TPJMC - PRIVILEGES AND IMMUNITIES
TAGS: PFOR, PINT
To: EA
JEC PARIS
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005